

MICHAEL N. FEUER, City Attorney, SBN 111529  
MARY CLARE MOLITOR, Chief, Criminal & Special Lit. Branch, SBN 8240  
JONATHAN CRISTALL, Superv. Assistant City Attorney, SBN 191935  
NANCY C. HAGAN, Deputy City Attorney, SBN 273981  
200 North Main Street, Room 966  
Los Angeles, California 90012  
Telephone: (213) 978-4090  
Fax: (213) 978-8717  
E-Mail: nancy.hagan@lacity.org

UNFORMED COPY  
ORIGINAL FILED  
Superior Court Of California  
County Of Los Angeles

MAR 06 2015

Sherri R. Carter, Executive Officer/Clerk  
By: Judi Lara, Deputy

Attorneys for Plaintiff

NO FEE – GOV'T CODE § 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

BC 5 74 7 2 0

THE PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,  
vs.  
ALBERTA LYNCH, as trustee of the LYNCH  
FAMILY TRUST; JAMES T. LYNCH, an individual;  
and DOES 1 through 50, inclusive,  
Defendants.

Case No.:

COMPLAINT FOR ABATEMENT  
AND INJUNCTION

[HEALTH & SAFETY CODE  
SECTION 11570, *ET SEQ.* AND  
CIVIL CODE SECTION 3479, *ET*  
*SEQ.*]

[Unlimited Action]

PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

**I. INTRODUCTION**

1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the State of California ("People"), for the purpose of abating, preventing and enjoining a public nuisance that exists at a single-family home located at 923 Sunset Avenue, Venice, CA 90291 (the "Property"). The Action is brought pursuant to the Narcotics Abatement Law ("NAL") (California Health and Safety Code section 11570, *et seq.*) and the Public Nuisance Law ("PNL") (California Civil Code sections 3479-3480).

2. Set in a quiet neighborhood, the Property maintains a lawless and disorderly atmosphere in stark contrast to the neighboring homes. The Property is a den where drug

1 sellers, drug buyers, and drug users meet within the Property to conduct narcotics  
2 transactions, use narcotics, and commit nuisance activities that are disruptive to the entire  
3 neighborhood. It is also located within a half mile radius of The Growing Place Childcare and  
4 School, Broadway Elementary School, Marine Park, Penmar Golf Course, Penmar Recreation  
5 Center/Park, and Oakwood Recreation Center.

6 3. The Property has been owned by the Lynch Family Trust since 2009, with  
7 Defendant Alberta Lynch ("A. LYNCH") and James T. Lynch, who is deceased as of  
8 September 3, 2013, as trustees. Plaintiff is informed and believes, and thereon alleges, that A.  
9 LYNCH resides at the Property with her adult son, Defendant James T. Lynch ("J. LYNCH")  
10 and, at times, with various other known and/or unidentified individuals (A. LYNCH and J.  
11 LYNCH will hereinafter collectively be referred to as "Defendants"). Defendants are directly  
12 and/or indirectly permitting and facilitating drug sales, drug distribution, and drug usage at the  
13 Property, and creating a public nuisance that affects the entire community and neighborhood.

14 4. This Action arises from citizen complaints of narcotics and nuisance activities  
15 occurring at and around the Property. From an exact date unknown but since at least April  
16 2014, the Los Angeles Police Department ("LAPD") began receiving community complaints  
17 concerning continuous narcotics and unlawful activity occurring at the Property and its vicinity.  
18 The Property is reputed to be the site of narcotics sales and usage, and at the time of this  
19 writing, the Property continues to attract individuals wanting to sell, buy, and use narcotics.  
20 Since April 2014, there have been at least sixteen arrests as a result of activity occurring at the  
21 Property. The growing nuisance and narcotics activity has not only significantly affected the  
22 quality of life and the quiet enjoyment of property by those who live near the Property, but it  
23 has also taxed scarce police resources by necessitating a disproportionate amount of LAPD  
24 attention.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

II. THE PARTIES AND THE PROPERTY

A. The Plaintiff

5. Plaintiff, the People of the State of California ("Plaintiff" or the "People"), acting through prosecutors in the Los Angeles City Attorney's Office, brings the first cause of action pursuant to its authority granted by the California Health and Safety Code section 11571 to enforce the NAL, and the second cause of action pursuant to the authority granted by the California Code of Civil Procedure section 731 to enforce the PNL.

B. The Defendants

6. **Defendant A. LYNCH.** At all times mentioned herein, and since at least October 27, 2009, Defendant A. LYNCH, a 72-year-old individual, as trustee for the Lynch Family Trust, has owned, occupied, controlled and/or operated the Property, and/or has acted as the owner and occupier of the Property. By directly or indirectly permitting the Property to be used for illegal and unlawful purposes, and by failing to take reasonable steps to control or prevent it, Defendant A. LYNCH has directly or indirectly permitted the nuisance to exist at the Property and is responsible for conducting and maintaining the nuisance alleged herein, thereby violating the NAL and PNL.

7. **Defendant J. LYNCH.** Plaintiff is informed and believes, and thereon alleges, that Defendant J. LYNCH, a 46-year-old individual, is the son of Defendant A. LYNCH. He has been an occupant and/or tenant of the Property since at least April 2014. Defendant J. LYNCH has directly and/or indirectly permitted, facilitated, and/or participated in the use of the Property for illegal and unlawful purposes, including narcotics sales and usage, and public nuisance activity. In addition, J. LYNCH attracts and invites individuals to use the Property as a place to conduct narcotics deals, as well as to loiter and/or reside while using narcotics. By facilitating the sales of narcotics at the Property, and by creating and/or contributing to an unsafe and lawless atmosphere throughout the entire neighborhood, Defendant J. LYNCH is directly and/or indirectly responsible for conducting and maintaining the nuisance as alleged herein, thereby violating the NAL and PNL.

8. The true names and capacities of defendants sued herein as Does 1 through 50,

1 inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious  
2 names pursuant to Section 474 of the California Code of Civil Procedure. Plaintiff alleges on  
3 information and belief that each such defendant is responsible in some manner for conducting,  
4 maintaining, and/or directly or indirectly permitting the nuisance complaints of herein. When  
5 the true names and capacities of said defendants have been ascertained, Plaintiff will seek  
6 leave of Court to amend this Complaint and to insert in lieu of such fictitious names the true  
7 names and capacities of said fictitiously named defendants.

8 9. Plaintiff is informed and believes, and thereon alleges, that at all times mentioned  
9 herein, Defendants A. LYNCH, J. LYNCH, and DOES 1 through 50 had knowledge of the  
10 nuisance and unlawful acts complained of herein, have wholly failed to abate the same, and  
11 have directly or indirectly maintained or permitted the nuisance described herein.

12 **C. The Property**

13 10. The Property is a single-family dwelling located at an address commonly known  
14 as 923 Sunset Avenue, Venice, California 90291. The Property's legal description is "Lot 458  
15 of Tract 5109, as per map recorded in Book 91 pages 61 and 63 of Maps, in the office of the  
16 County Recorder of said County," Assessor's Parcel Number 4243019037.

17 **III. THE NARCOTICS ABATEMENT LAW**

18 11. The abatement of a nuisance is a long established and well-recognized exercise  
19 of the state's police power. (*People v. Barbieri* (1917) 33 Cal.App. 770, 775; *People ex rel.*  
20 *Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its enactment in 1972, the  
21 principal purpose of the NAL (Health & Saf. Code, § 11570, *et seq.*) is the abatement of  
22 buildings and places "used for the purpose of unlawfully selling, serving, storing, keeping,  
23 manufacturing, or giving away any controlled substance, precursor, or analog specified in this  
24 division . . . ." (Health & Saf. Code, § 11570.)

25 12. The NAL provides that every building or place used for the purpose of unlawfully  
26 selling, serving, storing, keeping, manufacturing, or giving away any controlled substance,  
27 precursor, or analog, *inter alia*, "is a nuisance which **shall** be enjoined, abated, and prevented .  
28 . . whether it is a public or private nuisance." (Health & Saf. Code, § 11570 (emphasis added);

1 *People ex rel Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389; *Lew v. Superior Court*  
2 (1993) 20 Cal.App.4th 866, 870-871.)

3 13. Health and Safety Code section 11571 authorizes a city attorney to bring an  
4 action to abate, prevent and perpetually enjoin such nuisances. It provides in relevant part:  
5 "Whenever there is reason to believe that a nuisance as described in Section 11570 is kept,  
6 maintained, or exists in any county, the district attorney of the county, or the city attorney of  
7 any incorporated city or of any city and county, in the name of the people, may . . . maintain an  
8 action to abate and prevent the nuisance and perpetually to enjoin the person conducting or  
9 maintaining it, and the owner, lessee, or agent of the building or place in or upon which the  
10 nuisance exists from directly or indirectly maintaining or permitting the nuisance."

11 14. Health and Safety Code section 11573(a) provides that: "If the existence of the  
12 nuisance is shown in the action to the satisfaction of the court or judge, either by verified  
13 complaint or affidavit, the court or judge **shall** allow a temporary restraining order or injunction  
14 to abate and prevent the continuance or recurrence of the nuisance." (Emphasis added.)  
15 Further, Health and Safety Code section 11581 provides, as an additional remedy, for the  
16 removal and sale of all fixtures and movable property on the premises used in aiding or  
17 abetting the nuisance and for the closure of the building for up to one year.

#### 18 **IV. THE PUBLIC NUISANCE LAW**

19 15. Civil Code section 3479 defines a public nuisance as "[a]nything which is  
20 injurious to health, including, but not limited to, the illegal sale of controlled substances, or is  
21 indecent or offensive to the senses, or an obstruction to the free use of property, so as to  
22 interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free  
23 passage or use, in the customary manner, of any . . . public park, square, street, or highway .  
24 . ." (See *City of Bakersfield v. Miller* (1966) 64 Cal.2d 93, 99 ("The Legislature has defined in  
25 general terms the word 'nuisance' in Civil Code section 3479. . . ").)

26 16. Civil Code section 3480 defines a public nuisance as "one which affects at the  
27 same time an entire community or neighborhood, or any considerable number of persons,  
28 although the extent of the annoyance or damage inflicted upon individuals may be unequal."

1           17. Civil Code section 3491 provides for the methods by which public nuisances  
2 such as those alleged herein may be abated. Civil Code section 3491 states that the  
3 "remedies against a public nuisance are indictment or information, a civil action or abatement."  
4 Abatement is "accomplished by a court of equity by means of an injunction proper and suitable  
5 to the facts of each case." (*Sullivan v. Royer* (1887) 72 Cal. 248, 249; see also *People v.*  
6 *Selby Smelting and Lead Co.* (1912) 163 Cal.84, 90 ("[I]n California, the rule is well established  
7 that in proper cases injunctive relief which accomplishes the purposes of abatement without its  
8 harsh features is permissible.").)

9           18. Code of Civil Procedure section 731 authorizes a city attorney to bring an action  
10 to enjoin or abate a public nuisance. It provides in relevant part "[a] civil action may be brought  
11 in the name of the people of the State of California to abate a public nuisance . . . by the city  
12 attorney of any town or city in which such nuisance exists."

13           19. Where "a building or other property is so used as to make it a nuisance under the  
14 statute, the nuisance may be abated . . . , notwithstanding that the owner had no knowledge  
15 that it was used for the unlawful purpose constituting a nuisance." (*People ex rel. Bradford v.*  
16 *Barbiere* (1917) 33 Cal.App. 770, 779; see also *Sturges v. Charles L. Harney, Inc.* (1958) 165  
17 Cal.App.2d 306, 318 ("a nuisance and liability therefore may exist without negligence"); *People*  
18 *v. McCadden* (1920) 48 Cal.App. 790, 792 ("A judgment supported on findings that such  
19 nuisance was conducted and maintained on the premises in question, regardless of the  
20 knowledge of the owner thereof, is sufficient. Such knowledge on the part of the owner . . . is  
21 unnecessary."); *People v. Peterson* (1920) 45 Cal.App. 457, 460 ("[I]t was not necessary . . .  
22 for the trial court to find either, that the [defendants] threatened, and unless restrained, would  
23 continue to maintain, aid, and abet, the nuisance, or that they knew the building was used in  
24 violation of the act. . . . The existence of the nuisance was the ultimate fact in this case, and  
25 having been found, supports the judgment.").) This is because "the object of the act is not to  
26 punish; its purpose is to effect a reformation of the property itself." (*People v. Bayside Land*  
27 *Co.* (1920) 48 Cal.App. 257, 261.)  
28

1                   **V.     FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

2                   **[Health and Safety Code Section 11570, *et seq.* --**

3                   **Against All Defendants and DOES 1 through 50]**

4           20.     Plaintiff hereby incorporates by reference paragraphs 1 through 19 of this  
5 Complaint and makes them part of the First Cause of Action, as if fully set forth herein.

6           21.     The Property has been, from an exact date unknown but since at least April 2014  
7 and is currently being used for the purposes of unlawfully selling, serving, storing, keeping,  
8 manufacturing or giving away controlled substances in violation of Health and Safety Code  
9 section 11570, *et seq.* Specific examples of such activity include, but are not limited to, the  
10 following:

11                   a.     On **April 11, 2014**, LAPD officers were monitoring the Property in  
12 response to the numerous complaints they received regarding narcotics being sold there. The  
13 officers observed an individual named Aaron Broadbent ("Broadbent") riding his skateboard to  
14 the Property with a backpack. He entered the Property through a side gate and exited the  
15 Property approximately two to three minutes later, looking around nervously before riding away  
16 on his skateboard. The officers subsequently detained Broadbent, who they discovered was  
17 on probation for possession of a controlled substance. The officers recovered a plastic bindle  
18 containing crystal methamphetamine and a methamphetamine pipe from Broadbent's  
19 backpack. Broadbent was arrested for possession of methamphetamine.

20                   b.     On **April 16, 2014**, LAPD officers were conducting surveillance after  
21 receiving an anonymous tip that narcotics were being sold from the rear garage of the  
22 Property. They observed Jaime Jauregui ("Jauregui") riding a bicycle to the rear garage of the  
23 Property. An unknown person opened the garage from inside and let Jauregui into the garage  
24 with his bicycle. Approximately 20 minutes later, the officers observed J. LYNCH and an  
25 unknown male individual exit the Property's rear gate in the alley. They had a brief  
26 conversation after which the unknown male individual walked away while J. LYNCH walked  
27 into the backyard of the Property. Subsequently, the officers conducted a parole compliance  
28 search of J. LYNCH, who was on parole for robbery. The officers first detained J. LYNCH,

1 Jennifer Barrington, and Demarco Todd Bonds in the backyard of the Property. Upon entering  
2 the garage, the officers observed Jauregui holding a glass pipe, which was loaded with  
3 methamphetamine, to his mouth and a lighter in his other hand, ready to light. An officer  
4 ordered Jauregui to place the pipe on the ground and to stand up. Jauregui complied but  
5 deliberately stepped on the pipe while doing so, crushing it into pieces. The officers also  
6 detained Kaelyn Lewis ("K. Lewis") in the garage and recovered a black plastic bindle  
7 containing methamphetamine from her right hand, which was in plain view. Additionally, the  
8 officers recovered cocaine from a table in the garage, which was formed in a line on a mirror,  
9 ready for inhalation. LAPD also searched J. LYNCH's bedroom in the house on the Property,  
10 from which the officers detained Robyn Lewis ("R. Lewis"), who had an outstanding felony  
11 warrant. Upon searching J. LYNCH's bedroom, the officers recovered a syringe loaded with  
12 heroin inside a black bag, which was located in a nightstand next to J. LYNCH's bed. The  
13 officers also recovered a burnt spoon with tar heroin and a bottom of a soda can containing  
14 heroin residue in a jewelry box underneath J. LYNCH's bed. Additionally, during the narcotics  
15 investigation, Ricky Collier ("Collier"), a known cocaine buyer, was seen walking away from the  
16 officers along the west side of the Property holding a glass cocaine pipe. Before the officers  
17 could detain him, he dropped the pipe into the backyard of a neighboring property located at  
18 919 Sunset Avenue over a common wall. The officers were able to recover the pipe.  
19 Jauregui, J. LYNCH, K. Lewis, R. Lewis, and Collier were all arrested at the Property.

20 c. On **May 21, 2014**, an LAPD non-confidential informant ("NCI"), who was  
21 equipped with a covert video and audio recording device, approached the Property from the  
22 rear alley to purchase cocaine. He was greeted by J. LYNCH who immediately expressed  
23 concern over whether the NCI was working with law enforcement. J. LYNCH nevertheless  
24 invited the NCI through a locked gate and into the Property's backyard where he and another  
25 unidentified male presented a clear, plastic bag containing a white powdered substance  
26 resembling cocaine. They demanded that the NCI prove he was not working with law  
27 enforcement by sniffing some of the cocaine in front of them. At one point, J. LYNCH dipped  
28 his key into the substance and spooned out a mound of the powder for the NCI to sniff. When

1 the NCI repeatedly declined, J. LYNCH and the other unidentified male refused to sell the  
2 cocaine to him.

3 d. On **June 26, 2014**, LAPD officers observed Ronald Zuzzio ("Zuzzio") exit  
4 the Property, walk to the sidewalk, wave at an unknown person, and then walk out of sight  
5 westbound on Sunset Avenue to westbound on Flower Avenue. A Buick LaCrosse then  
6 emerged going eastbound from Flower Avenue to Sunset Avenue with J. LYNCH in the  
7 driver's seat, Zuzzio in the front passenger seat, and K. Lewis in the rear passenger seat, who  
8 was drinking a light brown liquid from a glass container. Because the vehicle was reported  
9 stolen according to LAPD's records, the officers conducted a felony vehicle stop. The officers  
10 recovered a zip lock bag containing tar heroin in Zuzzio's knapsack bag and a glass bottle of  
11 Miller High Life half full in the back seat of the vehicle. The officers also discovered that the  
12 vehicle was not, in fact, stolen, as it was registered to J. LYNCH; rather, it was previously  
13 reported stolen but J. LYNCH had failed to report that it had been located. Zuzzio was  
14 subsequently arrested for possession of a controlled substance, J. LYNCH was arrested for an  
15 outstanding felony warrant, and K. LEWIS was arrested for possession of an open alcoholic  
16 beverage in a vehicle.

17 e. On **August 4, 2014**, LAPD officers observed Levon Turner, Jr. ("Turner")  
18 and Susan Orlov ("Orlov") exiting the Property. Due to the numerous community complaints  
19 LAPD received regarding the Property being the site of narcotics sales, LAPD approached  
20 Turner and Orlov. Turner indicated that he possessed a glass pipe, which the officers  
21 recovered from his left, pants pocket. Turner was arrested for possession of narcotics  
22 paraphernalia.

23 f. On **August 27, 2014**, LAPD officers went to the Property to conduct a  
24 probation compliance search of K. Lewis, who was on active probation for narcotics. An  
25 unknown male individual standing outside the Property, who identified himself as the Property  
26 owner's caretaker, directed the officers to the garage of the Property where K. Lewis sleeps.  
27 The officers were able to locate K. Lewis exiting the garage. She indicated that there were two  
28 other individuals in the garage but requested that the officers not go into the garage because

1 they were "sleeping." The officers ordered the two individuals, J. LYNCH and Patrick  
2 McLaughlin ("McLaughlin"), out of the garage. The officers found a black backpack in the rear  
3 seat of a vehicle that was parked in the garage. J. LYNCH indicated, "It's my car. It's also our  
4 family car" while K. Lewis indicated the backpack belonged to her. Upon searching the  
5 backpack, the officers recovered three plastic bags of methamphetamine. J. LYNCH also  
6 admitted that he had used methamphetamines and heroine earlier that day. The officers  
7 subsequently arrested K. Lewis for possession of methamphetamine, J. LYNCH for violation of  
8 probation, and McLaughlin for an outstanding felony narcotics warrant.

9 g. On **January 29, 2015**, LAPD officers conducted a probation compliance  
10 search of J. LYNCH at the Property. J. LYNCH informed the officers that he smoked  
11 methamphetamine and injected heroin approximately four days ago, despite being on  
12 probation for narcotics. During the search, the officers encountered R. Lewis, who was also on  
13 formal probation for narcotics. She informed them that she had used methamphetamine  
14 approximately one week ago. The officers observed several red marks on her arm, which  
15 were consistent with the use of narcotics with a needle. During the probation compliance  
16 search, the officers also encountered McLaughlin as he was exiting a bedroom in the house on  
17 the Property. McLaughlin informed the officers that he resided at the Property with J. LYNCH  
18 and pointed to his bedroom. McLaughlin also admitted to being on probation for narcotics.  
19 Upon searching McLaughlin's bedroom, the officers recovered a black nylon bag that  
20 contained several small plastic baggies, some of which were clear, some of which were green  
21 with money bag emblems, and all of which contained methamphetamine, as well as several  
22 empty, plastic baggies. The contents of the black nylon bag were consistent with the sales of  
23 narcotics. J. LYNCH and R. Lewis were arrested for violating their respective probations while  
24 McLaughlin was arrested for both probation violations as well as narcotic sales.

25 22. Plaintiff is informed and believes, and thereon alleges, that Defendants A.  
26 LYNCH, J. LYNCH, and DOES 1 through 50 are responsible for conducting, maintaining,  
27 and/or directly or indirectly permitting the nuisance as alleged herein. Unless Defendants A.  
28 LYNCH, J. LYNCH, and DOES 1 through 50 are restrained and enjoined by order of this Court,

1 they will continue to use, occupy and maintain, and/or to aid, abet or permit, directly or  
2 indirectly, the use, occupation and maintenance of the Property, together with the fixtures and  
3 appurtenances located therein, for the nuisance complained of herein, to the great and  
4 irreparable damage of the public and in violation of California law.

5 23. Plaintiff has no plain, speedy, or adequate remedy at law, and injunctive relief is  
6 expressly authorized in section 11570 – 11587 of the California Health and Safety Code.

7 **VII. SECOND CAUSE OF ACTION FOR PUBLIC NUISANCE**

8 **[Civil Code Section 3479, *et seq.* --**

9 **Against All Defendants and DOES 1 through 50]**

10 24. Plaintiff incorporates by reference Paragraphs 1 through 23 of this Complaint and  
11 makes them part of this Second Cause of Action as though fully set forth herein.

12 25. Since at least April 2014 through the present time, Defendants A. LYNCH, J.  
13 LYNCH, and DOES 1 through 50, have owned, operated, occupied, and/or used the Property,  
14 and/or directly or indirectly permitted the Property to be occupied and used in such a manner  
15 as to constitute a public nuisance in violation of Civil Code sections 3479 and 3480. The  
16 public nuisance, which exists up to the present time, consists of, but is not limited to, illegal  
17 narcotics sales, storage, and/or distribution committed at and around the Property, as well as  
18 the disorderly presence of drug sellers, users, and buyers attracted by the Defendants, the  
19 Property, and its occupants. The public nuisance, as described herein, is injurious to health,  
20 indecent or offensive to the senses, and/or an obstruction to the free use of property, so as to  
21 substantially and unreasonably interfere with the comfortable enjoyment of life or property by  
22 those persons living in the surrounding community.

23 26. Defendants A. LYNCH, J. LYNCH, and DOES 1 through 50 have known or  
24 should have known about the existence of the public nuisance complained of at the Property  
25 and have failed to abate the nuisance.

26 27. Defendants A. LYNCH, J. LYNCH, and DOES 1 through 50, in owning,  
27 conducting, maintaining, and/or permitting the use of the Property, directly or indirectly, as a  
28 public nuisance, have engaged in wrongful conduct and caused a serious threat to the general

1 health, safety and welfare of the persons in the area surrounding the Property.

2 28. Unless Defendants A. LYNCH, J. LYNCH, and DOES 1 through 50, are  
3 restrained and enjoined by order of this Court, they will continue to use, occupy and maintain,  
4 and to aid, abet or permit, directly or indirectly, the use, occupation, and maintenance of the  
5 Property, together with the fixtures and appurtenances located therein, for the nuisance  
6 complained of herein, to the great and irreparable damage of Plaintiff and in violation of  
7 California law.

8 **PRAYER**

9 **WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND**  
10 **DECREE AS FOLLOWS:**

11 **AS TO THE FIRST CAUSE OF ACTION**

12 1. That Defendants A. LYNCH, J. LYNCH, and DOES 1 through 50, and the  
13 Property, including all the buildings and structures thereon, be declared in violation of  
14 California Health and Safety Code section 11570, *et seq.*

15 2. That the Property, together with the fixtures and moveable property therein and  
16 thereon, be found to constitute a public nuisance and be permanently abated as such in  
17 accordance with Section 11581 of the California Health and Safety Code.

18 3. That the Court grant a preliminary injunction, permanent injunction and order of  
19 abatement in accordance with Section 11570, *et seq.* of the California Health and Safety Code,  
20 enjoining and restraining Defendants A. LYNCH, J. LYNCH, and DOES 1 through 50, and their  
21 agents, officers, employees and anyone acting on their behalf, from owning, maintaining,  
22 operating, or occupying the Property for the purposes of unlawfully selling, serving, storing,  
23 keeping, manufacturing, or giving away controlled substances, and from permitting any  
24 unlawful selling, storing, keeping, manufacturing, or giving away of controlled substances on  
25 the Property.

26 4. That the Court issue such orders in accordance with Health and Safety Code  
27 section 11573.5 to remedy the nuisance on the Property and enhance the abatement process,  
28 including without limitation physical and managerial improvements to the Property, restrictions

1 on persons permitted to access the Property, and a 1,000 foot stay-away order from the  
2 Property for Defendant J. LYNCH.

3 5. That as part of the Judgment, an Order of Abatement be issued, and that the  
4 Property be closed for a period of one year, not to be used for any purpose, and be under the  
5 control and custody of this Court for said period of time, or, in the alternative, if the Court  
6 deems such closure to be unduly harmful to the community, that Defendants pay an amount  
7 equal to the fair market rental value of the Property for one year to the City or County in whose  
8 jurisdiction the nuisance is located in accordance with Health and Safety Code section 11581  
9 subdivision (c)(1).

10 6. That each of the Defendants be assessed a civil penalty in an amount not to  
11 exceed twenty-five thousand dollars (\$25,000.00).

12 7. That all fixtures and moveable property used in conducting, maintaining, aiding or  
13 abetting the nuisance at the Property be removed by the LAPD and sold in the manner  
14 provided for the sale of chattels under execution. Said fixtures and property shall be  
15 inventoried and a list prepared and filed with this Court.

16 8. That there shall be excepted from said sale, such property to which title is  
17 established in some third party not a defendant, nor agent, officer, employee or servant of any  
18 defendant in this proceeding.

19 9. That the proceeds from said sale be deposited with this Court for payment of the  
20 fees and costs of sale. The proceeds of the sale of the moveable property shall be applied as  
21 follows: first, to the fees and costs of the removal and sale; second, to the allowances and  
22 costs of closing and keeping closed the Property; third, to the payment of the Plaintiff's costs in  
23 the Action; fourth, such other costs as the Court may deem proper, and; fifth, the balance, if  
24 any, to the owner of the Property.

25 10. That if the proceeds of the sale do not fully discharge all such costs, fees and  
26 allowances, the Property shall also be sold under execution issued upon the order of the Court  
27 or judge and the proceeds of such sale shall be applied in a like manner. That any excess  
28 monies remaining after payment of approved costs shall be delivered to the owner of said

1 Property. Ownership shall be established to the satisfaction of this Court.

2 11. That Defendants and DOES 1 through 50, and any agents, trustees, officers,  
3 employees and anyone acting on their behalf, and their heirs and assignees, be perpetually  
4 enjoined from transferring, conveying, or encumbering any portion of the Property, for  
5 consideration or otherwise, without first obtaining the Court's prior approval.

6 12. That Defendants and DOES 1 through 50 be ordered to immediately notify any  
7 transferees, purchasers, commercial lessees, or other successors in interest to the subject  
8 Property of the existence and application of any temporary restraining order, preliminary  
9 injunction, or permanent injunction to all prospective transferees, purchasers, commercial  
10 lessees, or other successors in interest, *before* entering into any agreement to sell, lease or  
11 transfer the Property, for consideration or otherwise, all or any portion of the Property that is  
12 the subject of this Action.

13 13. That Defendants and DOES 1 through 50 be ordered to immediately provide a  
14 complete, legible copy of any temporary restraining order, and preliminary and permanent  
15 injunctions to all prospective transferees, purchasers, lessees, or other successors in interest  
16 to the Property, procure signatures acknowledging receipt of the aforementioned documents,  
17 and deliver a copy of such acknowledgment to the Los Angeles City Attorney's Office, c/o  
18 Deputy City Attorney Nancy C. Hagan or her designee.

19 14. That Plaintiff recover the costs of this action, including law enforcement  
20 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed  
21 \$1,000,000.00, from Defendants and DOES 1 through 50.

22 15. That Plaintiff recover the amount of the filing fees and the amount of the fee for  
23 the service of process or notices which would have been paid but for Government Code  
24 section 6103.5. The fees may, at the Court's discretion, include the amount of the fees for  
25 certifying and preparing transcripts.

26 16. That pursuant to Health and Safety Code section 11575, this Action has  
27 precedence over all other actions, except criminal proceedings, election contests, hearing on  
28 injunctions, and action to forfeit vehicles under the narcotics abatement statutes.

1           17. That Plaintiff be granted such other and further relief as the Court deems just and  
2 proper.

3                               AS TO THE SECOND CAUSE OF ACTION

4           1. That the Property, together with the fixtures and moveable property therein and  
5 thereon, be declared a public nuisance and be permanently abated as such in accordance with  
6 Civil Code section 3491.

7           2. That each of the Defendants, DOES 1 through 50, and their agents, officers,  
8 employees and anyone acting on their behalf, and their heirs and assignees, be preliminarily  
9 and perpetually enjoined from operating, conducting, using, occupying, or in any way  
10 permitting the use of the Property as a public nuisance.

11           3. That the Court grant a preliminary injunction, permanent injunction, order of  
12 abatement, and closure of the Property in accordance with California civil Code 3479, *et seq.*,  
13 enjoining and restraining Defendants, DOES 1 through 50, and their agents, officers,  
14 employees, and anyone acting on their behalf, from engaging in unlawful activity, including the  
15 unlawful selling, serving, storing, keeping, manufacturing, or giving away controlled substances  
16 on the Property.

17           4. That the Court issue such orders to remedy the nuisance on the Property and  
18 enhance the abatement process, including but not limited to, remedial improvements to the  
19 Property, restrictions on persons permitted to access the Property, and a 1,000 foot stay-away  
20 order from the Property for Defendant J. LYNCH.

21           5. Such costs as may occur in abating said nuisance at the Property and such other  
22 costs as the Court shall deem just and proper.

23           6. That Plaintiff be granted such other and further relief as the Court deems just and  
24 proper, including closure and/or demolition of the Property.

25                               AS TO ALL CAUSES OF ACTION

26           1. That Plaintiff recover the amount of the filing fees and the amount of the fee for  
27 the service of process or notices which would have been paid but for Government Code  
28 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the

1 amount of the fees for certifying and preparing transcripts.

2 2. That Plaintiff be granted such other and further relief as the Court deems just and  
3 proper.

4  
5 DATED: March 6, 2015

Respectfully submitted,

6 MICHAEL N. FEUER, City Attorney  
7 MARY CLARE MOLIDOR, Chief, Crim. & Spec. Lit. Branch  
8 JONATHAN CRISTALL, Superv. Assist. City Attorney  
9 NANCY C. HAGAN, Deputy City Attorney

10 By:

  
NANCY C. HAGAN

11 Attorneys for Plaintiff, THE PEOPLE OF THE  
12 STATE OF CALIFORNIA  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28